



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,403	05/31/2001	Matthew W. Hartley	6169-249	9870

7590

08/04/2004

Gregory A. Nelson  
Akerman Senterfitt  
222 Lakeview Avenue, Fourth Floor  
P.O. Box 3188  
West Palm Beach, FL 33402-3188

EXAMINER

LEWIS, MICHAEL A

ART UNIT

PAPER NUMBER

2655

DATE MAILED: 08/04/2004

2

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/871,403

**Applicant(s)**

HARTLEY ET AL.

**Examiner**

Michael A Lewis

**Art Unit**

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 - 26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.                                                |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 – 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Reich (US 20020173955).

Regarding claims 1 & 14, Reich discloses a method/system (a machine readable storage) of speech recognition comprising: receiving at least one spoken word and performing speech recognition to determine a recognition result(Fig 3(410, 420)); comparing said spoken word to said recognition result to determine if said recognition result is an incorrectly recognized word(Fig 3(430, 440)); and identifying said spoken word as an alternate word candidate for said incorrectly recognized word(Page 2, Paragraph 0015).

Regarding claims 2 & 15, Reich discloses further comprising: presenting said alternate word candidate as a replacement for a subsequent recognition

result(Fig 3, 460; Page 4, Paragraph 0032).

Regarding claims 4 & 17, Reich discloses said alternate word candidate has a conditional probability greater than a predetermined minimum threshold (Fig 3, 460; Page 4, Paragraph 0032).

Regarding claims 5 & 18, Reich discloses further comprising: storing and associating said incorrectly recognized word and said alternate word candidate in a data store (Page 4, Paragraph 0028).

Regarding claims 3,6, 16 & 19, Reich discloses further comprising: storing and associating said incorrectly recognized word and said alternate word candidate in a data store wherein said data store includes an indication of said conditional probability corresponding to said alternate word candidate (Page 3 - 4, Paragraph 0028 - 0030). *[Reich describes pre-programming (storing) words and associating alternate words with confidence scores in relation to a threshold (conditional probability)].*

Regarding claims 7 & 20, Reich discloses comprising: storing and associating said incorrectly recognized word, said alternate word candidate, and said conditional probability corresponding to said alternate word candidate in a data store (Page 3 - 4, Paragraph 0028 - 0032) *[Reich describes pre-programming*

*(storing) words and associating alternate words with confidence scores in relation to a threshold (conditional probability)].*

Regarding claims 8 & 21, Reich discloses wherein said spoken word is received directly from said at least one speaker (Page 4, Paragraph 33).

Regarding claims 9 & 22, Reich discloses said spoken word is recorded and provided to the speech recognition system (Page 4, Paragraph 33).

Regarding claims 10 & 23, Reich discloses said spoken word is a character (Page 4, Paragraph 33).

Regarding claims 11 & 24, Reich discloses said spoken word is a letter (Page 4, Paragraph 0033).

Regarding claims 12, 13, 25 & 26, Reich discloses a method of speech recognition comprising: receiving at least one spoken word/letter and performing speech recognition to determine a recognition result (Fig 3(410, 420); Page 4, Paragraph 33)); comparing said spoken word/letter to said recognition result to determine if said recognition result is an incorrectly recognized word/letter(Fig 3(430, 440); Page 4, Paragraph 33); identifying said spoken word/letter as an alternate word/letter candidate for said incorrectly recognized word/letter(Page 4,

Paragraph 0030; Page 4, Paragraph 33)); calculating a conditional probability for said alternate word/letter candidate; and storing and associating said incorrectly recognized word/letter and said alternate word/letter candidate in a data store wherein said data store includes an indication of said conditional probability corresponding to said alternate word/letter candidate(Page 3 - 4, Paragraph 0028 – 0032).

### **Conclusion**

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Friedland et al.	(U.S. Patent 6347296)
Friedland et al.	(U.S. Patent 6334102)
Hon et al.	(U.S. Patent 5852801)
Roberts	(U.S. Patent 5765132)
Sejnoha	(U.S. Patent 5465318)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Lewis whose telephone number is 703 305-8730. The examiner can normally be reached on Monday through Friday, 8:30 am – 5 pm.

Art Unit: 2655

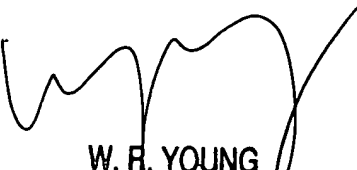
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on (703) 305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lewis A Michael  
Examiner  
Art Unit 2655

Mal

7/11/2004



W. R. YOUNG  
PRIMARY EXAMINER